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Dated:

11/6/03

Signature:

John B. Lungmus
(John B. Lungmus)

Docket No.: 30105/32001
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Carl W. Hastings et al.

Application No.: 09/175,748

Group Art Unit: 1617

Filed: October 20, 1998

Examiner: R. Travis

For: Performance Enhancing Dietary Supplement

SUPPLEMENTAL DECLARATION OF DAVID J. BARNES

I, David J. Barnes, am the same person that signed and submitted a Declaration dated June 19, 2002 and filed in the Patent and Trademark Office by Express Mail on June 24, 2002.

On page 2 of that Declaration, in Paragraph 2, it is stated that the ProVantage product embodying this invention "went into commercial production on October 7, 1997 and was packaged and approved for sale on that date."

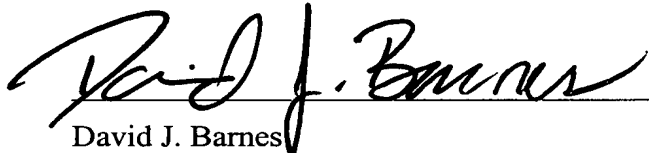
Nowhere in such Declaration is it stated that such product was sold or offered for sale on October 7, 1997. The facts are that ProVantage was not sold, offered for sale, or publicly known until Saturday, October 25, 1997. On that date, the ProVantage product was unveiled in a meeting in San Francisco attended by distributors and potential distributors of Reliv' International's products.

The Rollout Meeting of October 25, 1997 had been planned weeks earlier at Reliv' International, as reflected in an internal memorandum dated September 17, 1997 and appended hereto as Exhibit 1. The memorandum was prepared by Kathy Blunt, a Marketing Coordinator for Reliv' International products, and outlines on page 2 the arrangements being planned for the unveiling of the ProVantage product scheduled for Saturday morning, October 25, 1997. The Saturday October 25 meeting, as so planned on September 17, 1997, occurred substantially as

outlined in the memorandum and constituted the first public exposure and offer for sale of the ProVantage product.

The memorandum refers to a Press Release to be available on October 25, 1997, but in fact the Press Release did not go out until three days later. A copy of the Press Release dated October 28, 1997 is appended hereto as Exhibit 2.

Therefore, while my earlier Declaration correctly states that ProVantage went into commercial production on October 7, 1997, and was approved on that date for public sale, no sale or offer for sale occurred until the product rollout on October 25, 1997. Production began on October 7 to build inventory for sales to be made on and after the product unveiling that occurred on October 25, 1997, and all sales of the ProVantage product have been well within the one-year period preceding the application filing date of October 20, 1998.

A handwritten signature in black ink, appearing to read "David J. Barnes", is written over a horizontal line.

David J. Barnes
253 Cove Landing Drive
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Dated: November 4, 2003